HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.13873 of 2000

Dated this the 31st day of December, 2007

Between:

B. Peru Nayak .. Petitioner

AND

State of A.P., rep.by Secretary,
Dept. of Cooperation, Secretariat, Hyderabad
and 2 others

.. Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.13873 of 2000

ORDER:

This Writ Petition has been filed by the petitioner seeking a direction to the respondents to conduct elections to the second respondent-Cooperative Central Bank Limited, Nalgonda.

2) It is contended that the petitioner was elected as member of the second respondent-bank on 16.08.1995. Later, he was elected to the Executive Committee of the said bank.

His tenure is five years according to the Section 31 (2) of the Andhra Pradesh Cooperative Societies Act, 1964. According to the above said section, the respondents have to conduct elections to the bank before expiry of the term of Executive Committee i.e., on or before 19.08.2000. There is no effort on the part of the respondents to hold elections. Prior to the amendment to the Act, the term of existing executive committee was liable to be extended till the elections are conducted. But after the amendment, there is no such extension of time till the elections are held. Therefore, the petitioner has approached this Court through this writ petition seeking a direction to

the respondents to conduct elections.

3) The respondents did not file any counter affidavit.

It is the responsibility of the concerned parties to conduct elections according to the mandate of the Act. The petitioner is justified in seeking direction to the respondents to conduct elections to the bank.

4) Accordingly, the Writ Petition is allowed and the respondents are directed to take steps to conduct elections to the bank as per the provisions of the Act and the instructions issued from time to time unless there is any direction from the concerned authorities preventing the bank from conducting elections. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 31.12.2007
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